

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                     |   |                                |
|-------------------------------------|---|--------------------------------|
| <b>IN RE: NATIONAL PRESCRIPTION</b> | ) | <b>MDL 2804</b>                |
| <b>OPIATE LITIGATION</b>            | ) |                                |
|                                     | ) | <b>Case No. 1:17-md-2804</b>   |
| <b>THIS DOCUMENT RELATES TO:</b>    | ) |                                |
|                                     | ) | <b>Judge Dan Aaron Polster</b> |
| <i>All Cases</i>                    | ) |                                |
|                                     | ) | <b><u>ORDER</u></b>            |
|                                     | ) |                                |

On March 10, 2021, the Court stated it would select five cases for trial in new litigation tracks against the Pharmacy Defendants only (Doc. # 3649). On April 7, 2021, the Court determined those five cases will be:

1. *Board of County Commissioners of the County of Santa Fe, New Mexico v. Purdue Pharma L.P., et al.*, Case No. 1:18-OP-45776;
2. *Cobb County, Georgia v. Purdue Pharma L.P., et al.*, Case No. 1:18-OP-45817;
3. *County of Tarrant, Texas v. Purdue Pharma L.P., et al.*, Case No. 1:18-OP-45274;
4. *Durham County, North Carolina v. AmerisourceBergen Drug Corporation, et al.*, Case No. 1:19-OP-45346; and
5. *Montgomery County, Ohio Board of County Commissioners, et al. v. Cardinal Health, Inc., et al.*, Case No. 1:18-OP-46326.

The parties shall file proposed case management schedules for each of these five cases by **12:00 p.m. EDT on April 28, 2021**. Plaintiffs in these five cases already have leave to amend their complaints. *See* docket no. 371 at 1 (“If a case is later designated as a bellwether for motion practice or trial, a separate CMO will be entered that will provide further opportunity to amend.”).

The parties shall work with Special Master David R. Cohen on any issues that may arise.

Additionally, as discussed on April 7, 2021, there are numerous MDL cases where the named Pharmacy Defendants have zero-percent market share in the relevant jurisdictions. To facilitate dismissal of such defendants from these cases, counsel for the Pharmacy Defendants shall identify for plaintiffs those cases where they have zero-percent market share in the relevant jurisdictions, and plaintiffs shall begin dismissal of those Defendants with prejudice. The parties shall submit a written report to the Court by **12:00 p.m. EDT on April 30, 2021** documenting the status of this effort.

The next Track Three teleconference is scheduled for **May 7, 2021 at 1:00 p.m. EDT**. Counsel shall use the same dial-in instructions used for the previous teleconference, and shall submit to the Court a joint status report by **12:00 p.m. EDT on May 6, 2021**.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster April 9, 2021  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**